

OCT. 24. 2006 5:24PM

POWELL, GOLDSTEIN (DTI-17)

NO. 292 P. 1

**POWELL
GOLDSTEIN** LLP

Atlanta • Washington • Dallas

**RECEIVED
CENTRAL FAX CENTER
OCT 24 2006**

One Atlantic Center
Fourteenth Floor
1201 West Peachtree Street, NW
Atlanta, GA 30309-3488

Telephone: (404) 572-6600
Fax: (404) 572-6999
Internet: www.pogolaw.com

NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use the information. Also, please indicate to the sender that you have received this communication in error, and delete the copy you received. Thank you.

FACSIMILE TRANSMISSION COVER SHEET

Date: October 24, 2006

To: Mail Stop AF
Attention: Danton D. DeMille

Fax #

571-273-8300

Art Unit: 3764

Recipient's Direct Dial # 571-272-4974

Applicants: Yury M. Podrazhansky et al.

Appl. No.: 10/761,726

Conf. No.: 3657

Title: METHOD AND APPARATUS
FOR IMPROVING LOCAL
BLOOD AND LYMPH
CIRCULATION

From: Charles L. Warner II
Reg. # 32320

Sender's Direct Fax # 404-572-6999

Sender's e-mail address: cwarner@pogolaw.com

Sender's Direct Dial # 404-572-6718

Our File # 142589.00002-P1324US00

Total Pages (Including This Page): 17

Please notify LuAnn Miller at (404) 572-6624 if all pages are not received properly

1091307

RECEIVED
CENTRAL FAX CENTER

OCT 24 2006

Appl. No.: 10/761,726

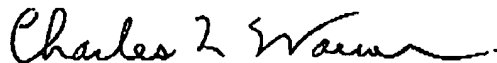
COMMENTS:**Dear Examiner DeMille:**

Attached is a copy of *Perricone v. Medicis Pharmaceutical Corporation*, 432 F.3d 1368, 77 USPQ2d 1321 (Fed. Cir. 2005).

I believe that this case is relevant to rejection and claims of the instant application, please see headnotes 10-17, and pages 6 through 10, especially headnote 16 and pages 8 and 9 discussing the validity of claim 1 of the referenced '693 patent.

Please advise me once you have reviewed this case. I would like to discuss any necessary amendments to the claims to obtain an allowance in this case or a continuing application thereof.

Respectfully submitted,



Charles L. Warner II

Reg. No. 32,320